

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

THIS DOCUMENT RELATES TO:

State of Montana v. Abbott Labs., Inc., et al.,
D. Mont. Cause No. CV-02-09-H-DWM; and

*State of Nevada v. American Home Products
Corp., et al.*,
D. Nev. Cause No. CV-N-02-0202-ECR



PLAINTIFFS' JOINT MOTION TO COMPEL DISCOVERY

Plaintiffs, the State of Montana and the State of Nevada, respectfully and jointly move this Court for an order compelling defendants to provide the discovery sought in Plaintiffs' First Requests for the Production of Documents.

This Motion is supported by the accompanying Memorandum in Support of Plaintiffs' Joint Motion to Compel Discovery (the "Memorandum"), the Declaration of Steve W. Berman in Support of Plaintiffs' Joint Motion to Compel Discovery (the "Berman Declaration") and is based upon the record, file and pleadings in this matter, as well as the Memorandum and Berman Declaration.

Certification of Compliance with Local Rules 7.1(a)(2) and 37.1

Plaintiffs complied with Local Rules 7.1(a)(2) and 37.1 prior to bringing this motion. *See* Berman Declaration at ¶¶ 4-5.

By  
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DATED: September 3, 2003.

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CERTIFICATE OF SERVICE

I hereby certify that I, Edward Notargiacomo, an attorney, caused true and correct copies of the foregoing Plaintiffs' Joint Motion to Compel Discovery, Declaration of Steve W. Berman in Support of Plaintiffs' Joint Motion to Compel Discovery, and Plaintiffs' Memorandum in Support of Plaintiffs' Joint Motion to Compel Discovery, to be served on all counsel of record electronically, pursuant to Section D of Case Management Order No. 2., this 3rd day of September, 2003.

By: 

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